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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,627	03/11/2004	Thaddeus John Kobylarz		6662

7590
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EXAMINER

YOUNG, JANELLE N

ART UNIT	PAPER NUMBER
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2618

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	12/29/2006	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/798,627

Applicant(s)

KOBYLARZ, THADDEUS JOHN

Examiner

Janelle N. Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date. _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Regarding claim 1, the phrase "more complex" renders the claim indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention. Claim 1 is not expressing the means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof. Claim fails to define the invention in the manner

Claims 3-4, 6 -9, and 11-13 are also rejected, under 35 U.S.C. 112, second paragraph, as being indefinite because it is unclear whether the limitation(s) following the phrase are part of the claimed invention, because they are dependents of claim 1.

Claim 2 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 2 is not expressing the means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Claims 5 and 10 are also rejected, under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention, because they are dependents of claim 2.

Claim 14 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 14 is not expressing the means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claim 1-13 rejected under 35 U.S.C. 102(b) as being anticipated by Dupray (US Pub 2004/0198386).

As for claim 1, Dupray teaches a process which comprises combining wireless mobile communication services to build a more complex wireless mobile communication service, wherein: a more complex wireless mobile communication service, termed

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herein a compound wireless mobile communication service, is enacted as a sequence of the combined services (Page 1, Para 0002; Page 14, Para 0154; Page 15, Para 0155, 0158 & 0160; and Page 16, Para 0165).

As for claim 2, Dupray teaches a process, further comprising:

a combination of fundamental wireless mobile communication services (fundamental wireless mobile communication services is defined in the BACKGROUND OF THE INVENTION section) (Page 2, Para 0021; Page 14, Para 0154; and Page 15, Para 0159; and Page 32, Para 0359 in respect to Page 29, Para 0323-0329).

As for claim 3, Dupray teaches a process, further comprising:

a combination of compound wireless mobile communication services (Abstract; Page 13, Para 0145-0146; Page 15, Para 0159; Page 23, Para 0257; and Page 51, Para 0593).

As for claim 4, Dupray teaches a process, further comprising:

a combination of fundamental wireless mobile communication services and a combination of compound wireless mobile communication services (Page 2, Para 0021; Page 14, Para 0154; and Page 15, Para 0159; and Page 32, Para 0359 in respect to Page 29, Para 0323-0329).

As for claim 5, Dupray teaches a process, further comprising:

the use of other services, for convenience termed "facility services", in the building process to assist in achieving the intended objectives of a compound wireless mobile communication service; and moreover, the facility services are

not in themselves wireless mobile communication services, but essential for properly executing a compound wireless mobile communication service (Page 15, Para 0158 and Page 44-45, Para 0499).

As for claim 6, Dupray teaches a process, wherein: a compound wireless mobile communication service may have as its builder one or more of the following:

a wireless mobile communication subscriber and a wireless mobile communication user (Page 4, Para 0063; Page 12, Para 0139; Page 14, Para 0154; and Page 53, Para 0634-0635);

a wireless mobile communication service provider (Page 2, Para 0022; Page 13, Para 0145-0146; Page 16, Para 0163; Pages 19-20, Para 0223; and Page 23, Para 0257);

a wireless mobile communication equipment manufacturer and a wireless mobile communication equipment supplier (Page 51, Para 0593; Page 43-44, Para 0491; and Page 47, Para 0535);

a software manufacturer and a software supplier (Page 3, Para 0053; Page 12, Para 0137; Page 14, Para 0154; and Page 47, Para 0535);

a third party applications provider and a third party service provider (Page 14-15, Para 0154-0157).

As for claim 7, Dupray teaches a process, wherein the following methods apply:

a compound wireless mobile communication service may be built using computer facilities and then compounded and downloaded onto a wireless

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mobile terminal (Page 14, Para 0154; Page 216 Para 0163; and Page 17, Para 0170);

the computer facilities include software to assist in the building of compound wireless mobile communication services (Page 15, Para 0158 and Page 44-45, Para 0499 in correspondence with Page 3, Para 0053; Page 12, Para 0137; Page 14, Para 0154; and Page 47, Para 0535);

the computer facilities provide graphical and/or textual images that can be selected by means of computer accessories as a computer "mouse" (Page 60, Para 0678);

the graphical and/or textual images represent wireless mobile communication services, including compound wireless mobile communication services and facility services (for convenience the term "component services" is to apply to any of the services) (Page 11, Para 0124-0131; Page 12, Para 0139; and Page 60, Para 0678);

the component services are represented by named operational or functional expressions and possibly have one or more dependent parameters and possibly one or more independent parameters (Page 10, Para 0114; Page 29-30, Para 0331-0333; and Page 61, Para 0687);

the computer facilities include an opportunity to request "help" to explain and clarify the application and use of a selected graphical and/or textual image (Page 42, Para 0475 in respect to Page 11, Para 0124-0131; Page 12, Para 0139; and Page 60, Para 0678).

As for claim 8, Dupray teaches a process, wherein:

the selected graphical and/or textual images can be "dragged" to form a pictorial representation of a compound wireless mobile communication service and the pictorial representation of a compound wireless mobile communication service may be transformed or compiled into appropriate executable software prior to wireless mobile terminal downloading, whenever a wireless mobile terminal requires this transformation or compilation (Page 8, Page 14, Para 0154; Page 216 Para 0163; Page 17, Para 0170; and Page 24, Para 0269 in respect to Page 60, Para 0678).

As for claim 9, Dupray teaches a process, inclusively, wherein:

a wireless mobile terminal itself contains facilities to build compound wireless mobile communication services (Page 1, Para 0002; Page 14, Para 0154; Page 15, Para 0155, 0158 & 0160; and Page 16, Para 0165).

As for claim 10, Dupray teaches a process, wherein: facility services provide one or more of the following operations (or processes) in compound wireless mobile communication services:

Cartesian product of the real numbers; which reads on claimed arithmetic functions (e.g., addition, division) and transcendental functions (e.g., trigonometric, exponential) which can be performed by personal computers (Page 7, Para 0083 and Page 38-39, Para 0439);

assignment of values (e.g., equality), equality determination (e.g., determine when a wireless mobile terminal is at a certain location), and inequality

determination (e.g., determine if the computed travel time exceeds a specified limit) (Page 38, Para 0430 and Page 60, Para 0677-0678 in respect to Claim 1);

event determination (e.g., determine if a traffic delay message exists)

(Abstract; Page 40, Para 0454; Page 41, Para 0465);

pause compound wireless mobile communication service execution

(i.e., go into an idle state for specified time duration);

event conditioned execution (i.e., go to a component service when a

certain event occurs) (Page 12-13, Para 0143; Page 4, Para 0154-155; page 26, Para 0293; Page 28-29, Para 0319 and Page 58, Para 0668);

truth determination (i.e., determine if a condition or an assertion is true or false assertion) and logical assignment (i.e., assign a true or false value to a condition or a negation (i.e., reverse the logical assignment of a condition or an assertion), conjunction (i.e., apply the logical connective "and" between a pair of conditions or between a pair of assertions), disjunction (apply the logical connective "or" between a pair of conditions or between a pair of assertions), compound assertion (i.e., form an assertion from other assertions by the use of some combination of negation, and/or conjunction, and/or disjunction), and compound condition (i.e., form a condition from other conditions by the use of some combination of negation, and/or conjunction, and/or disjunction) and branch on a condition (i.e., go to a component service when a certain condition exists) (Page 12, Para 0135; Page 25, Para 0284; Page 25, table LH-1; and Page 30, Para 0338-0341);

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display a value (e.g., show the computed travel time to a destination on a wireless mobile terminal) and announce a value (e.g., verbalize that a new travel route has been determined on a wireless mobile terminal) (Page 14, Para 0154; Page 19-20, Para 0223-0224; Page 57, Para 0665; and 61, Para 0687 in correspondence with Page 59, Para 0672; Page 60, Para 0677-0678).

As for claim 11, Dupray teaches a process, inclusively, further comprising: a menu for selecting component services exists that provide for one or more of the following:

- to incorporate any of the facility services into the compound wireless mobile communication service being built (Page 14, Para 0154; Page 216 Para 0163; and Page 17, Para 0170);

- to incorporate any of the fundamental wireless mobile communication services made available by the wireless mobile communication service provider into the compound wireless mobile communication service being built (Page 2, Para 0021; Page 14, Para 0154; and Page 15, Para 0159; and Page 32, Para 0359 in respect to Page 29, Para 0323-0329);

- to incorporate any of the compound wireless mobile communication services made available by a wireless mobile communication subscriber into the compound wireless mobile communication service being built and to incorporate any of the compound wireless mobile communication services made available by a wireless mobile communication user into the compound wireless

mobile communication service being built (Page 4, Para 0063; Page 12, Para 0139; Page 14, Para 0154; and Page 53, Para 0634-0635);

to incorporate any of the compound wireless mobile communication services made available by a wireless mobile communication service provider into the compound wireless mobile communication service being built (Page 2, Para 0022; Page 13, Para 0145-0146; Page 16, Para 0163; Pages 19-20, Para 0223; and Page 23, Para 0257);

to incorporate any of the compound wireless mobile communication services made available by a wireless mobile communication equipment manufacturer into the compound wireless mobile communication service being built and to incorporate any of the compound wireless mobile communication services made available by a wireless mobile communication equipment supplier into the compound wireless mobile communication service being built (Page 51, Para 0593; Page 43-44, Para 0491; and Page 47, Para 0535);

to incorporate any of the compound wireless mobile communication services made available by a software manufacturer into the compound wireless mobile communication service being built (Page 15, Para 0158 and Page 44-45, Para 0499 in correspondence with Page 3, Para 0053; Page 12, Para 0137; Page 14, Para 0154; and Page 47, Para 0535);;

to incorporate any of the compound wireless mobile communication services made available by a software supplier into the compound wireless mobile communication service being built, to incorporate any of the compound

wireless mobile communication services made available by a third party applications provider into the compound wireless mobile communication service being services (Page 15, Para 0158 and Page 44-45, Para 0499 in correspondence with Page 3, Para 0053; Page 12, Para 0137; Page 14, Para 0154; and Page 47, Para 0535); and

to incorporate any of the compound wireless mobile communication services made available by a third party service provider into the compound wireless mobile communication service being built (Page 14-15, Para 0154-0157).

As for claim 12, Dupray teaches a process, inclusively, further comprising: a menu of one or more special capabilities that achieve the following: to draw lines with arrowheads that manifests the sequence of component services; to enter alphanumeric characters when building a compound wireless mobile communication service; to enter geometric elements as rectangles, diamonds, triangles, ellipses, etc. when building a compound wireless mobile communication service (Page 12-13, Para 0143; Page 27-28, Para 0309; and Page 43, Para 0487).

As for claim 13, Dupray teaches a process, inclusively, further comprising: a menu of one or more building tools that achieve the following:

test a built compound wireless mobile communication service for proper performance (Page 4, Para 0063; Page 9-10, Para 0106; Page 12, Para 0139; Page 14, Para 0154; and Page 53, Para 0634-0635);

evaluate the price charged by a wireless mobile service provider to execute a compound wireless mobile communication service; assign an operational or functional expression to a compound wireless mobile communication service (Page 17, Para 0170; Page 53, Para 0624-0633; Page 55, Para 0647; and Page 57, Para 0658-0660 and in correspondence with Page 10, Para 0114; Page 29-30, Para 0331-0333; and Page 61, Para 0687);

record and store a voice message as a value to be used in the facility service that audibly announces comments (Page 61-62, Para 0684-0692);

add a compound wireless mobile communication service operational or functional expression to the repertoire of component services for use to build other compound wireless mobile communication services (Page 10, Para 0114; Page 29-30, Para 0331-0333; and Page 61, Para 0687);

save a built compound wireless mobile communication service in specified memory location (Page 14, Para 0156; Page 19, Para 0221; Page 27, Para 0299; Page 52, Para 0624-0633; and Page 58, Para 0667);

compile a compound wireless mobile communication service for a wireless mobile terminal (Page 24, Para 0269 in correspondence with Page 14, Para 0154; Page 216 Para 0163; and Page 17, Para 0170);

download a compound wireless mobile communication service to a wireless mobile terminal (Page 8, Page 14, Para 0154; Page 216 Para 0163; Page 17, Para 0170; and Page 24, Para 0269 in respect to Page 60, Para 0678);

select a group of component services (Page 12-13, Para 0143; Page 13, Para 0145);

copy a selected group of component services into a temporary memory and place the copied group of component services into a specified section of a compound wireless mobile communication service being built; delete a selected group of component services (Page 12, Para 0139; Page 14, Para 0149; and Page 58, Para 0668);

undo changes made while building a compound wireless mobile communication service (Page 12-13, Para 0144 and Page 13, Para 0148);

find a sequence of typographical characters within a component service and replace one sequence of typographical characters with another sequence of typographical characters within a component service (Page 9, Para 0099-0100; Page 10, Para 0107-0109 & 0112; Page 14, Para 0154; and Page 60, Para 0677);

print the interconnection of component services for a partially or fully built compound wireless mobile communication service (Page 18, Para 0199);

go to the next/previous page of a compound wireless mobile communication service, when represented by more than one page of interconnected of component services, go to the next/previous page of the component services menu, if they are represented on more than one line; and check the spelling of words (Page 12-14, Para 0139-0152 and Page 60, Para 0677-0678);

zoom in/out of a compound wireless mobile communication service displayed by an interconnection of component services and zoom in in/out of any menu used to build a compound wireless mobile communication service, scroll up/down a page on which a compound wireless mobile communication service is displayed by an interconnection of component services and scroll up/down a line of any menu display used to build a compound wireless mobile communication service, minimize/maximize/close a compound wireless mobile communication service being displayed by an interconnection of component services, and minimize/maximize/close any menu display used to build a compound wireless mobile communication service (Page 13-14, Para 0148 and Page 60, Para 0677);

open a compound wireless mobile communication service display of interconnected component services and open any menu used to build a compound wireless mobile communication service (Page 13, Para 0148 in respect to Page 10, Para 0114; Page 29-30, Para 0331-0333; and Page 61, Para 0687-0688);

insert a compound wireless mobile communication service display of interconnected component services into a compound wireless mobile communication service being built (Page 31-32, Para 0350-0352 and Page 61, Para 0686);

justify or align typographical characters left/center/right in a displayed component service and select size and/or font of typographical characters in a

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displayed component service; highlight typographical characters with a selected color in a displayed component service (Page 5, Para 0066-0068; Page 8, Para 0091; and Page 62, Para 0693);

select line widths of geometric shapes in a displayed compound wireless mobile communication service being built (Page 27-28, Para 0309 and Page 43, Para 0487);

fill geometric shapes with a selected color in a displayed compound wireless mobile communication service being built and erase selected colors and/or geometric shapes in a displayed compound wireless mobile communication service being built (Page 62, Para 0693 in respect to Page 27-28, Para 0309 and Page 43, Para 0487).

Conclusion


3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Janelle N. Young whose telephone number is (571) 272-2836. The examiner can normally be reached on Monday through Friday: 8:30 am through 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung can be reached on (571) 272-7882. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JNY
December 18, 2006



12-28-06
LANA LE
PRIMARY EXAMINER